GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Industries & Commerce Department – Mines & Geology – Vigilance Report – Issued Temporary permits- Large scale illegal quarrying of Gravel in Sy.No.208/2 and 208/3 of R. Tallavalasa village, Bheemunipatnam (M), Visakhapatnam District – Necessary action for realization of evaded seigniorage fee, Market value and fine of 52,29,619/- from temporary permit holders - Sri. G.V.V.S. Chowdary, the then Assistant Director of Mines and Geology, Vishakhapatnam(under suspension) – Departmental Proceedings under Rule -20 of Andhra Pradesh Civil Services (Classification, Control and Appeal)Rules, 1991 – Articles of charges – issued.

INDUSTRIES & COMMERCE (VIG) DEPARTMENT

G.O.RT.No. 212 Dated: 28-10-2020

Read the following:

1. From the GA(V&E) Dept Vigilance Report No. 48, Dt:04.10.2018
2. Govt. Memo No. INC01-MG/12/2018-VIG; Dt: 24.12.2018.
3. From DMG, Letter No. 2113559/E1/Vg/2018; Dt: 24.09.2020.
4. G.O Rt No.211, Ind & Com (Vig) Dept., dated. 28-10-2020.

ORDER:

In continuation of the orders issued under Rule-24 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules 1991 in the reference 4th read above, it is proposed to hold an inquiry against Sri. G.V.V.S. Chowdary, the then Assistant Director of Mines and Geology, Vishakhapatnam in accordance with the procedure laid down in Rule-20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules,1991.

2. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charges and statement of imputations in Annexure I&II. A list of documents by which, and a list of witnesses by whom, the articles of charges are proposed to be sustained are also enclosed in Annexures III & IV.

3. Sri. G.V.V.S.Chowdary, the then Assistant Director of Mines and Geology, Vishakhapatnam is directed to submit his written statement of defense (WSD) within 10 days from the date of receipt of this order and also to state whether he desires to be heard in person.

4. Sri. G.V.V.S.Chowdary, the then Assistant Director of Mines and Geology, Vishakhapatnam is informed that, an inquiry will be held only in respect of those articles of charges as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri. G.V.V.S.Chowdary, the then Assistant Director of Mines and Geology, Vishakhapatnam is further informed that if he does not submit his written statement of defense (WSD) on or before the date specified in para-3 above, further action will be taken based on the material available.

6. Attention of Sri G.V.V.S. Chowdary, the then Assistant Director of Mines and Geology, Vishakhapatnam is invited to Rule-24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings it will be presumed that Sri. G.V.V.S. Chowdary, the then Assistant Director of Mines and Geology, Vishakhapatnam is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule-24 of the Andhra Pradesh Civil Services (Conduct) Rules,1964.

(P.T.O)

7. The receipt of the G.O. may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri. G.V.V.S.Chowdary, the then Assistant Director of Mines and Geology, Vishakhapatnam through Director of Mines & Geology, Ibrahimpatnam (With request to serve & return served copy to Government)
The Director Mines & Geology, Ibrahimpatnam.
SF/SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE – I

ARTICLES OF CHARGES FRAMED SRI. G.V.V.S. CHOWDARY, THE THEN ASSISTANT DIRECTOR OF MINES AND GEOLOGY, VISHAKHAPATNAM

CHARGE-1

That while he working as Assistant Director of Mines & Geology, Visakhapatnam noticed certain irregularities during his tenure.

Sri. G.V.V.S.Chowdary, the then Assistant Director of Mines and Geology, Vishakhapatnam has failed to forward the feasibility report from the Revenue Divisional Officer, Visakhapatnam for approval of the District Level Screening Committee under the chairmanship of District Collector, Visakhapatnam & Director of Mines and Geology, Vijayawada and recommended for grant of temporary permits against the guidelines stipulated in G.O.Ms. No.2, Dated: 02.01.2013, even though the Revenue Divisional Officer, Visakhapatnam alerted and informed the same in his reports vide Rc. No. 2346/2013/D, Dt. 23.01.2016 and Rc.No. 2347/2013/D Dt. 23.01.2016. Thus the delinquent officer totally failed to perform his legitimate duties and he is held responsible for the same and violated Rule -3 of APCS(Conduct) Rules,1964.

CHARGE-2

Sri. G.V.V.S.Chowdary, the then Assistant Director of Mines and Geology, Vishakhapatnam, recommended for grant of temporary permits and submitted proposals to the Deputy Director of Mines & Geology, Visakhapatnam in favour of Sri K.Padmanabha Rao and Smt K.Satyavathi in Sy.No. 208/3 & 208/2 of R. Tallavalasa Village Bheemunipatnam Mandal Visakhapatnam District, for the quantity of 10,719 & 24,281 Cum respectively without obtaining the necessary permissions from the Director of Mines & Geology. Based on the recommendations of the Assistant Director of Mines & Geology Visakhapatnam, the Deputy Director of Mines &Geology, Vishakapatnam has granted the temporary permits in favour of Sri K.Padmanabha Rao and Smt K.Satyavathi in Sy.No. 208/3 & 208/2 of R. Tallavalasa Village Bheemunipatnam Mandal Visakhapatnam District, for the quantity of 10,719 & 24,281 Cum respectively, vide Memo No. 1427/Q-IV/TP/2016, Dt. 09.05.2016. and vide Memo No. 1427/Q-IV/TP/2016, Dt. 09.05.2016. Further Sri. G.V.V.S. Chowdary, the then Assistant Director of Mines and Geology, Vishakhapatnam, has issued temporary permits in favour of Sri K.Padmanabha Rao and Smt K.Satyavathi in Sy.No. 208/3 & 208/2 of R. Tallavalasa Village Bheemunipatnam Mandal Visakhapatnam District issued temporary permits more than the period of sixty days , against the Rule 9(iii) & (iv) and Rule 10(d) of APMMC Rules, 1966. Thus the delinquent officer totally failed to perform his legitimate duties and he is held responsible for the same and violated Rule -3 of APCS(Conduct) Rules,1964.

CHARGE-3

Sri. G.V.V.S. Chowdary, the then Assistant Director of Mines and Geology, Vishakhapatnam, has failed to depute the technical staff for monitoring the quarry operations and vehicles movement in regular intervals, thereby caused huge loss of revenue of Rs. 52,29,619/- to the Government exchequer. Thus the delinquent officer totally failed to perform his legitimate duties and he is held responsible for the same and violated Rule -3 of APCS (Conduct) Rules,1964.

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

ANNEXURE – II

STATEMENT OF IMPUTATIONS ON MISCONDUCT/MISBEHAVIOR IN SUPPORT TO THE CHARGES FRAMED AGAINST SRI. G.V.V.S. CHOWDARY, THE THEN ASSISTANT DIRECTOR OF MINES AND GEOLOGY, VISHAKHAPATNAM, (UNDER SUSPENSION) THE FOLLOWING IRREGULARITIES HAVE BEEN TAKEN PLACE DURING HIS TENURE.

Sri. K. Padmanabha Rao & Smt. K. Satyavathi applied for grant of temporary permits for excavation of gravel in their D-Patta lands over and extent of 2.03 Acres in Sy. No. 208/3 & 3.02 Acres in Sy.No. 208/2 of R.Tallavalasa village, Bheemunipatnam (M), Vishakapatnam district respectively, on 15.12.2012. The ADM&G has requested the Tahsildar Bheemunipatnam Mandal to submit feasibility report for grant of temporary permit for quarrying of gravel as above said areas. In turn, the Tahsildar, Bheemunipatnam Mandal has reported that the total extent of land is 12.20 Acres in Sy.No. 208 of Tallavalasa (V) and "D" form Patta for the land measuring an extent of 2.03 Acres were allotted in favour of Sri. K. Padmanabha Rao, S/o Lakshmikantham vide D.R.No. 134/C, Dt. 08.11.1992 and "D" form Patta for the land measuring an extent of 3.02 Acres were allotted in favour of Smt. K. Satyavathi , W/o Apparao vide D. R. No. 133/C, Dt. 08.11.1992. Finally he has recommended for grant of temporary permit for quarrying of gravel for a period of three months vide Lr. No. L. Dis. No. 160/2013/A, Dt. 07.01.2016, & vide Lr. No. L. Dis. No. 161/2013/A, Dt. 07.01.2016.

The Revenue Divisional Officer, Vishakhapatnam has also inspected the above said area and recommended for grant of temporary permit subject to submit the feasibility /technical report on applied land(Assigned land) be forwarded to the Director of Mines & Geology for necessary permission as per G.O.M.S. No.2, Revenue (Assn.1) Department Dt. 02.01.2013. Even though the Revenue Divisional Officer, Visakhapatnam alerted and informed the same in his reports vide Rc. No. 2346/2013/D, Dt. 23.01.2016 and Rc.No. 2347/2013/D Dt. 23.01.2016. Sri. G.V.V.S. Chowdary, the then Assistant Director of Mines and Geology, Vishakhapatnam, has failed to forward the feasibility report from the Revenue Divisional Officer, Visakhapatnam for approval of the District Level Screening Committee under the chairmanship of District Collector, Visakhapatnam and to the Director of Mines and Geology, Vijayawada and recommended for grant of temporary permits against the guidelines stipulated in G.O.Ms. No.2, Dated: 02.01.2013.

Sri. G.V.V.S. Chowdary, the then Assistant Director of Mines and Geology, Vishakhapatnam, recommended for grant of temporary permits and submitted proposals to the Deputy Director of Mines & Geology, Visakhapatnam in favour of Sri. K. Padmanabha Rao and Smt. K. Satyavathi in Sy.No. 208/3 & 208/2 of R. Tallavalasa Village Bheemunipatnam Mandal, Visakhapatnam District, for the quantity of 10,719 & 24,281 Cum respectively without obtaining the necessary permissions from the Director of Mines & Geology. Based on the recommendations of the Assistant Director of Mines & Geology Visakhapatnam the Deputy Director of Mines &Geology, Vishakapatnam has granted the temporary permits in favour of Sri. K. Padmanabha Rao and Smt. K. Satyavathi in Sy.No. 208/3 & 208/2 of R. Tallavalasa Village, Bheemunipatnam Mandal, Visakhapatnam District, for the quantity of 10,719 & 24,281 Cum respectively, vide Memo No. 1427/Q-IV/TP/2016, Dt. 09.05.2016. and vide Memo No. 1427/Q-IV/TP/2016, Dt. 09.05.2016.Further Sri. G.V.V.S. Chowdary, the then Assistant Director of Mines and Geology,Vishakhapatnam, has issued temporary permits in favour of Sri. K. Padmanabha Rao and Smt. K. Satyavathi in Sy.No. 208/3 & 208/2 of R. Tallavalasa Village Bheemunipatnam Mandal, Visakhapatnam District issued temporary permits more than the period of sixty days , against the Rule 9(iii) & (iv) and Rule 10(d) of APMMC Rules, 1966.

Further Sri. G.V.V.S. Chowdary, the then Assistant Director of Mines and Geology, Vishakhapatnam, has failed to depute the technical staff for monitoring the quarry operations and vehicles movement in regular intervals, thereby caused huge loss of revenue of Rs. 52,29,619/- to the Government exchequer.

That, Sri. G.V.V.S. Chowdary, the then Assistant Director of Mines and Geology, Vishakhapatnam, totally failed to discharge his legitimate duties with due care and diligence resulting in adversely affecting the administration is thereby held responsible for the same and thus violated the Rule -3 of APCS(Conduct) Rules, 1964.

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

ANNEXURE – III

DRAFT LIST OF DOCUMENTS RELIED UPON TO SUBSTANTIATE CHARGES FRAMED AGAINST SRI. G.V.V.S. CHOWDARY, THE THEN ASSISTANT DIRECTOR OF MINES AND GEOLOGY, VISHAKHAPATNAM(UNDER SUSPENSION)

1. Vigilance Report No : 48, (C.No. 511/V&E/NR-1/2017, Dt. 04.10.2018.)
2. Rc.No. 2347/2013/D Dt. 23.01.2016 of the Revenue Divisional Officer, Visakhapatnam.
3. G.O.Ms. NO.2, Dt. 02.01.2013. of Revenue (Assignments.I) Department.

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

ANNEXURE – IV

DRAFT LIST OF WITNESS TO SUSTAIN THE CHARGES FRAMED AGAINST SRI. G.V.V.S. CHOWDARY, THE THEN ASSISTANT DIRECTOR OF MINES AND GEOLOGY, VISHAKHAPATNAM(UNDER SUSPENSION)

1. Tahsildar of Bheemunipatnam Mandal.
2. Revenue Divisional Officer, Vishakapatnam.
3. Smt. K. Sathyavathi, temporary permit holder.
4. Sri. K. Padmanabha Rao, temporary permit holder.

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT